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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,694	09/18/2003	David A. Holly	1016.P001 US	6234
32794	7590	07/13/2005	EXAMINER	
KOESTNER BERTANI LLP 18662 MACARTHUR BLVD SUITE 400 IRVINE, CA 92612				SUTTON, ANDREW W
		ART UNIT		PAPER NUMBER
		3765		

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/665,694	HOLLY, DAVID A.
	Examiner	Art Unit
	Andrew W. Sutton	3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 September 2003.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) 1-28 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 29 and 30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 9/18/03 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 12/01/03

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date 7/1/05.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a heddle, classified in class 139, subclass 93.
- II. Claim 139, drawn to threading up of a heddle, classified in class 28, subclass unknown.
- III. Claims 13-21, drawn to a warp beam, classified in class 28, subclass 190.
- IV. Claims 23-28, drawn to a method of using the warp beam, classified in class 28, subclass 203.1.
- V. Claim 29-30, drawn to a kit for a handloom, classified in class 139, subclass unknown.

Group I claims a heddle found in class 139, subclass 93. Group I has the limitation of heddle with a break in the eyelet that does not specifically require that which is claimed in Groups II-V. Group II requires a method of warping a loom not found in groups I and III-V. Group III requires a warp beam comprising a deck not found in Groups I-II and IV-V. Group IV requires a method for drawing in a warp beam not found in Groups I-III and V. Group V requires a kit with 2 warp beams not found in Groups I-IV. This would require different searches for each group as identified as above.

Because these inventions are distinct for the reasons given above and the search required for each search is not required for each other group, restriction for examination purposes as indicated is proper.

The inventions are distinct, each from the other because of the following reasons:

During a telephone conversation with Mary Jo Bertani on 6/30/05 a provisional election was made without traverse to prosecute the invention of a kit, claims 29-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Gay (US 869,892). Gay illustrates a loom in Figs. 3 and 4 including a cloth take up roll 7 with slots 26 which the warp yarns are inserted to retaining them. Gay illustrates warp roll 4 comprising multiple spools with edges on the spool serving as retaining members for keeping the warp yarns in proper position. The rolls 7 and 4 are attached to the loom.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gay (US 869,892) in view of Mahler (US 2,249,390). Gay discloses the device substantially above. Gay does not disclose the use of a heddle with an openable eyelet. Mahler illustrates in Fig. 1 a heddle 1 with an eyelet 4. The heddle is made of pieces 1 and 1', which can be pivoted on pin 2 which allows for the opening of the eyelet allowing for easier threading of the yarn through the eyelet (Col. 1 lines 5-8). It would have been obvious to one of ordinary skill in the art to combine the teachings of Gay and Mahler to provide an means for easily threading the heddle with the warp yarns.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pullins (US 2,157,304), Simons (US 3,332,448), Corliss (US 6,149,437), Ruegg (US 1,517,129), Sait-Hilaire (US 4,703,777), and Hoagland (US 4,334,555) show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AWS  
5 July 2005

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700